

86th Legislative Session – 2011

Committee: House Health and Human Services

Thursday, February 17, 2011

P - Present
E - Excused
A - Absent

Roll Call

P Blake
P Haggard
P Hawley
P Hickey
P Iron Cloud III
P Jensen
P Lucas
P Magstadt
P Sly
P Steele
P Stricherz
P Munsterman, Vice-Chair
P Boomgarden, Chair

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Representative Boomgarden, Chair.

MOTION: TO APPROVE THE MINUTES OF TUESDAY, FEBRUARY 8, 2011

Moved by: Blake
Second by: Sly
Action: Prevailed by voice vote.

MOTION: TO APPROVE THE MINUTES OF TUESDAY, FEBRUARY 15, 2011

Moved by: Blake
Second by: Steele
Action: Prevailed by voice vote.

HB 1059: revise the examination required to practice cosmetology.

Presented by: Representative Patty Miller

MOTION: DEFER HB 1059 TO THE 41ST LEGISLATIVE DAY

Moved by: Munsterman

Second by: Hickey

Action: Prevailed by roll call vote. (12-0-1-0)

Voting Yes: Blake, Haggar, Hawley, Hickey, Jensen, Lucas, Magstadt, Sly, Steele, Stricherz, Munsterman, Boomgarden

Excused: Iron Cloud III

HB 1240: exempt cottage food operations from certain licensure requirements and to establish alternative requirements for the sale of certain baked goods.

Presented by: Representative Brock Greenfield

Proponents: Jamie Johnson, Self, Frankfort

MOTION: AMEND HB 1240

1240ja

On the printed bill, delete everything after the enacting clause and insert:

" Section 1. That chapter 34-18 be amended by adding thereto a NEW SECTION to read as follows:

Any person selling non-temperature-controlled baked goods from the person's own primary residence is exempt from the licensing and license fee provisions of this chapter under the following conditions:

- (1) Any non-temperature-controlled baked goods sold from a person's own primary residence is for consumption off the premises;
- (2) Any non-temperature-controlled baked goods sold from a person's own primary residence meets the requirements of § 34-18-37; and
- (3) The total gross receipts from the sale of non-temperature-controlled baked goods from the

person's own primary residence does not exceed five thousand dollars in a calendar year."

Moved by: Munsterman
Second by: Magstadt
Action: Prevailed by voice vote.

MOTION: DO PASS HB 1240 AS AMENDED

Moved by: Munsterman
Second by: Sly
Action: Prevailed by roll call vote. (13-0-0-0)

Voting Yes: Blake, Haggar, Hawley, Hickey, Iron Cloud III, Jensen, Lucas, Magstadt, Sly, Steele, Stricherz, Munsterman, Boomgarden

MOTION: AMEND TITLE OF HB 1240

1240jta

On page 1, line 1, of the printed bill, delete everything after "exempt" and insert "certain sales of non-temperature-controlled baked goods from certain licensing requirements.".

On page 1, delete line 2.

Moved by: Hickey
Second by: Sly
Action: Prevailed by voice vote.

MOTION: PLACE HB 1240 ON CONSENT CALENDAR

Moved by: Magstadt
Second by: Jensen
Action: Failed by voice vote.

HB 1254: prohibit the use of bisphenol A and cadmium in certain products.

Presented by: Representative Marc Feinstein
Proponents: Representative Tom Jones
Greg Boris, South Dakota Voices for Children
Dr. Urvashi Rangan, Director of Technical Policy, Consumers Union - Via telephone
(Handout: 1)

Opponents: Dr. Barry Timms, Self, Vermillion (Handout: 2)
Dr. Steven Hentenges, American Chemistry Council - Via Telephone (Handout: 3)
Shawn Lyons, SD Retailers Association (Handouts: 4, 5)
Joe Gregorich, Toy Industry Alliance
Jeff Palmer, Dakota Splash, International Bottled Water Association (Handout: 6)
David Owen, SD Chamber of Commerce & Industry
Drew Duncan, Pharma
Jason Hanson, Self, Watertown
Roger Inman, Self, Pierre

John Easter, American Chemistry Council, answered questions.

MOTION: AMEND HB 1254

1254ja

On page 2 of the printed bill, delete lines 8 to 10, inclusive, and insert:

"

Section 3. Beginning July 1, 2012, any reusable food or beverage container that contains bisphenol A shall be labeled with a warning indicating the potential dangers to both male and female reproductive health and fetal and child development."

Moved by: Hickey
Second by: Munsterman
Action: Failed by roll call vote. (6-6-1-0)

Voting Yes: Blake, Haggar, Hickey, Jensen, Lucas, Munsterman

Voting No: Hawley, Iron Cloud III, Magstadt, Steele, Stricherz, Boomgarden

Excused: Sly

MOTION: AMEND HB 1254

1254tb

On the printed bill, delete everything after the enacting clause and insert:

" Section 1. For the purposes of this Act, the term, child's container, means an empty, reusable

bottle or spill-proof cup to be filled with food or liquid that is designed or intended by a manufacturer to be used by a person three years of age or younger. The term does not include food or beverage containers intended for disposal after initial use.

Section 2. By January 1, 2012, no manufacturer or wholesaler may sell or offer for sale in this state a child's container that contains bisphenol A. By January 1, 2013, no retailer may sell or offer for sale in this state a child's container that contains bisphenol A. This section does not apply to sale of a used child's container."

Moved by: Blake
Second by: Lucas
Action: Failed by roll call vote. (6-6-1-0)

Voting Yes: Blake, Hawley, Iron Cloud III, Lucas, Magstadt, Stricherz

Voting No: Haggar, Hickey, Jensen, Steele, Munsterman, Boomgarden

Excused: Sly

MOTION: DEFER HB 1254 TO THE 41ST LEGISLATIVE DAY

Moved by: Munsterman
Second by: Jensen
Action: Was not acted on.

MOTION: SUBSTITUTE MOTION DO PASS HB 1254

Moved by: Blake
Second by: Hickey
Action: Failed by roll call vote. (4-8-1-0)

Voting Yes: Blake, Iron Cloud III, Lucas, Stricherz

Voting No: Haggar, Hawley, Hickey, Jensen, Magstadt, Steele, Munsterman, Boomgarden

Excused: Sly

THE MOTION TO DEFER HB 1254 TO THE 41ST LEGISLATIVE DAY

Moved by: Munsterman
Second by: Jensen

Action: PREVAILED BY ROLL CALL VOTE. (7-5-1-0)

Voting Yes: Haggar, Hawley, Jensen, Magstadt, Steele, Munsterman, Boomgarden

Voting No: Blake, Hickey, Iron Cloud III, Lucas, Stricherz

Excused: Sly

MOTION: ADJOURN

Moved by: Munsterman

Second by: Blake

Action: Prevailed by voice vote.

Joshua Klumb
Committee Secretary

Jamie Boomgarden, Chair